

**WITH CORRECTIONS VIA ADDENDA #1 THROUGH #7****ATTACHMENT D****STATE OF MARYLAND  
DEPARTMENT OF BUDGET AND MANAGEMENT  
MINORITY BUSINESS ENTERPRISE PARTICIPATION  
INSTRUCTIONS AND FORMS****PURPOSE**

The Contractor shall structure its procedures for the performance of the work required in the Contract for each task order to attempt to achieve a 15 percent minority business enterprise (MBE) subcontracting goal as stated in the Request for Proposals. MBE performance must be in accordance with this Attachment, as authorized by Code of Maryland Regulations (COMAR) 21.11.03. The Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this Attachment.

**DEFINITIONS**

As used in this Attachment, the following words have the meanings indicated.

Certification means a determination made by the Department of Transportation that a legal entity is a minority business enterprise.

MBE Liaison is the employee designated to administer the Department's MBE program.

- Minority Business Enterprise or MBE means a legal entity organized to engage in commercial transactions, that is at least 51-percent owned and controlled by one or more minority persons. MBE also includes a nonprofit entity engaged in promoting the interests of persons with physical or mental disabilities. An MBE must be certified in order to participate in the Department's MBE program.

**CONTRACTOR RESPONSIBILITIES**

A certified MBE subcontract goal of a minimum of 15 percent of the contract value of each task order has been established for this procurement. The Contractor agrees that at least this amount of the Contract will be performed by certified MBEs.

If awarded the Contract a certified MBE prime Contractor, a non-MBE prime Contractor, or a prime Contractor comprising joint venturers shall accomplish an amount of work not less than the MBE subcontract goal with Maryland certified MBE subcontractors.

**REQUIREMENTS**

An Offeror must submit with its response to this solicitation and subsequently to each task order response a completed MBE Utilization and Fair Solicitation Affidavit (Attachment D-1) whereby the Offeror acknowledges the certified MBE participation goal, commits to make a good faith effort to achieve the goal, and affirms that MBE subcontractors were treated fairly in the initial and task order solicitation process.

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Within 10 working days from notification that it is the apparent awardee under the initial solicitation phase or of a task order or within 10 working days following the award, whichever is earlier, the apparent awardee must provide the following documentation to the MBE Liaison. If the apparent awardee fails to return each completed document, the Department may declare the potential award void.

- Outreach Efforts Compliance (Attachment D-2)
- MBE Participation Schedule (Attachment D-3)
- Subcontractor Project Participation Statement (Attachment D-4)
- Any other documentation required by the Department's MBE Liaison to ascertain Offeror responsibility in connection with the certified MBE participation goal.

In addition to submitting the above indicated forms for the initial solicitation phase, Offerors can provide any other information which will demonstrate their capacity and commitment to achieving, and hopefully exceeding, the specified MBE subcontracting goal of 15 percent. Moreover, such information and/or forms can, at the option of the Offeror, be submitted with their proposal.

**RECORDS AND REPORTS**

Contractor shall:

1. Submit monthly to the Department a reporting listing any unpaid invoices, over 30 days old, received from any certified MBE subcontractor, the amount of each invoice and the reason payment has not been made. (Attachment D-5).
2. Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit monthly to the Department a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices. (Attachment D-6).
3. Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority subcontractors employed on the Contract, the type of work performed by each, and the actual dollar value of work performed.
4. Consent to provide such documentation as reasonably requested and to provide right-of-entry at reasonable times for purposes of the State's representatives verifying compliance with the MBE participation obligations. Contractor must retain all records concerning MBE participation and make them available for Department inspection for a period of three years after final completion of the Contract.

**ATTACHMENTS**

- D-1 Certified MBE Utilization and Fair Solicitation Affidavit (must be submitted with proposal for both the initial phase and for each task order award)

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- D-2 Outreach Efforts Compliance (must be submitted by contract awardee within 10 working days of notification of apparent award for both the initial phase and for each task order award, except that Item #2 pertaining to copies of written solicitations is optional for the initial solicitation phase)
- D-3 MBE Participation Schedule (must be submitted by contract awardee within 10 working days of notification of apparent award for task order awards only)
- D-4 Subcontractor Project Participation Statement (must be submitted by contract awardee within 10 working days of notification of apparent award for both the initial phase and for each task order award)
- D-5 Prime Contractor Unpaid MBE Invoice Report for task order awards only
- D-6 Subcontractor Payment Report for task order awards only

WITH CORRECTIONS VIA ADDENDA #1 THROUGH #7

**ATTACHMENT D-1**

**CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION**

**AFFIDAVIT**

In conjunction with the offer submitted in responses to Solicitation No.-DBM-2027-TSP, I affirm the following:

1. I acknowledge the certified Minority Business Enterprise participation goal of 15% percent and commit to make a good faith effort to achieve this goal.
2. I understand that if I am notified that I am selected for Contract award, I must submit the documentation described in Solicitation Attachment D within 10 working days of receiving notice of the potential award. If I fail to do so, I understand any apparent award may be deemed void.
3. In the solicitation of subcontract quotation or offers, Minority Business Enterprise (MBE) subcontractors were provided not less than the same information and amount of time to respond as were non-MBE subcontractors.
4. The solicitation process was conducted in such a manner so as to otherwise not place MBE subcontractors at a competitive disadvantage to non-MBE subcontractors.

I solemnly affirm under the penalties of perjury that the contents of this paper are true to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Offeror Name

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name, Title and Phone Number

\_\_\_\_\_  
Date

**SUBMIT THIS AFFIDAVIT WITH PROPOSAL**

WITH CORRECTIONS VIA ADDENDA #1 THROUGH #7

**ATTACHMENT D-2**

**OUTREACH EFFORTS COMPLIANCE**

**STATEMENT**

In conjunction with the bid or offer submitted in response to Solicitation No. DBM-2027-TSP state the following:

1. Offeror identified opportunities to subcontract in these specific work categories.
2. Attached to this form are copies of written solicitation (with bidding instructions) used to solicit certified MBEs for these subcontract opportunities. (Item #2 on this form is optional for the initial solicitation phase.)
3. Offeror made the following attempts to contact personally the solicited MBEs.
4. Offeror assisted MBEs to fulfill or to seek waiver of bonding requirements.

(DESCRIBE EFFORTS)

This project does not involve bonding requirements.

Offeror DID DID NOT attend the pre-proposal conference.

No pre-bid conference was held.

\_\_\_\_\_  
Offeror Name

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name, Title and Phone Number

\_\_\_\_\_  
Date

WITH CORRECTIONS VIA ADDENDA #1 THROUGH #7

**ATTACHMENT D-3**

**ONLY SUBMIT FOR TASK ORDER AWARDS**

**MBE PARTICIPATION SCHEDULE**

<b>Prime Contractor (Firm Name, Address, Phone)</b>	<b>Project Description</b>
<b>Project Number</b>	<b>Total Contract Amount \$</b>
<b>List Information For Each Certified MBE Subcontractor On This Project</b>	
<b>A.Minority Firm Name, Address, Phone</b>	<b>MBE Certification Number</b>
<b>Work To Be Performed</b>	
<b>Project Commitment Date</b>	<b>Project Completion Date</b>
<b>Agreed Dollar Amount</b>	<b>Percentage Of Total Contract</b>
<b>B.Minority Firm Name, Address, Phone</b>	<b>MBE Certification Number</b>
<b>Work To Be Performed</b>	
<b>Project Commitment Date</b>	<b>Project Completion Date</b>
<b>Agreed Dollar Amount</b>	<b>Percentage Of Total Contract</b>
<b>C. Minority Firm Name, Address, Phone</b>	<b>MBE Certification Number</b>
<b>Work To Be Performed</b>	
<b>Project Commitment Date</b>	<b>Project Completion Date</b>
<b>Agreed Dollar Amount</b>	<b>Percentage Of Total Contract</b>
<b>D. Minority Firm Name, Address, Phone</b>	<b>MBE Certification Number</b>
<b>Work To Be Performed</b>	
<b>Project Commitment Date</b>	<b>Project Completion Date</b>
<b>Agreed Dollar Amount</b>	<b>Percentage Of Total Contract</b>

Minority Firms Total Dollar

Amount \$

Minority Firms Total

Percentage

Document Prepared

By:

List Additional MBE Subcontractors Or

Provide Any

Additional Comments On Separate Paper

**WITH CORRECTIONS VIA ADDENDA #1 THROUGH #7**

Name

Title

:

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:

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WITH CORRECTIONS VIA ADDENDA #1 THROUGH #7

**ATTACHMENT D-4**

**STATEMENT**

SUBMIT ONE FORM FOR EACH CERTIFIED MBE LISTED IN THE MBE PARTICIPATION SCHEDULE.

Provided that \_\_\_\_\_ is awarded the State Contract in  
(Prime Contractor Name)  
conjunction with Solicitation No. DBM-2027-TSP, it and \_\_\_\_\_,  
MDOT Certification No. \_\_\_\_\_, intend to enter into a Contract by which  
Subcontractor shall \_\_\_\_\_.  
\_\_\_\_\_  
(Describe Work)

- ☐ No bonds are required of Subcontractor.  
☐ The following amount and type of bonds are required of Subcontractor.

\_\_\_\_\_  
Prime Contractor Signature

\_\_\_\_\_  
Subcontractor Signature

By: \_\_\_\_\_  
Name, Title and Phone Number

By: \_\_\_\_\_  
Name, Title and Phone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



WITH CORRECTIONS VIA ADDENDA #1 THROUGH #7

**ATTACHMENT D-5**

**MARYLAND DEPARTMENT OF BUDGET AND MANAGEMENT**

**MINORITY BUSINESS ENTERPRISE PARTICIPATION**

**Prime Contractor Unpaid MBE Invoice Report**

**To be Completed Monthly by Prime CCme Contractor**

Report	Contract #
Month/Year	Contracting Unit
<b>Report due by 15th of following month.</b>	Contract Amount
	MBE Subcontract
	Amount
	Contract Begin Date
	Contract End Date
	Services Provided

Prime Contractor Name \_\_\_\_\_

Contact Person \_\_\_\_\_

Addresses \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Subcontractor Name \_\_\_\_\_ Contact Person \_\_\_\_\_

Addresses \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Subcontractor Services Provided \_\_\_\_\_

List any unpaid invoices over 30 days old received from this vendor and reason for non payment

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_